REMARKS

Claims 1-70 are currently pending. Applicant respectfully requests that the Examiner reconsider all rejections in the outstanding Office Action in view of the foregoing amendments and the following remarks.

1. Related Application 10/035,952

At the outset, Applicant notes related U.S. Patent Application No. 10/035,952 ("the '952 application") filed on December 26, 2001, naming Applicant and Ms. Rozsa Kovesdi as joint inventors, and addresses the attempted Petition under 37 C.F.R. § 1.182 ("the Petition," apparently submitted sometime in March) alleging joint inventorship in the instant application by non-Applicant, Ms. Kovesdi. Because prosecution of the instant application is conducted *ex parte*, Applicant believes there is no legal requirement to substantively respond to the merits of such an improper Petition. Nonetheless as a courtesy to the Examiner, the following is provided in an attempt to better elucidate Applicant's position maintained in these related applications.

First and foremost, Applicant submits that the instant application does not claim any subject matter that was either solely or jointly conceived by Ms. Kovesdi. Certainly, the present application claims priority to U.S. Provisional Application No. 60/306,356 ("the provisional application"), which names Applicant and Ms. Kovesdi as a joint inventive entity. Be that as it may, the only claims of the provisional application that Ms. Kovesdi arguably made a conceptual contribution to are claims 44 and 45 therein, subject matter which is not pursued nor claimed by Applicant in this application. Therefore, the sole inventive entity as originally declared in this application is correct and legally proper in view of the subject matter claimed herein.

Applicant notes that the subject matter of claims 44 and 45 in the provisional application is being pursued by Ms. Kovesdi and Applicant in the '952 application. For this reason, Applicant executed and submitted a Declaration declaring himself as a joint inventor "to which at least one claim is directed" in the '952 application.

The Declarations executed by Applicant in this application and the '952 application do not conflict, but rather are in agreement with one another due to the respective absence or presence of claimed subject matter corresponding to that recited in claims 44 and 45 of the provisional application. Contrary to Ms. Kovesdi's allegations set forth in the Petition, the pending claims herein are not substantially identical to those in the '952 application for at least this reason. Because of the lack of her conceptual contribution to any of the subject matter set

forth in the claims presented herein, the exclusion of Ms. Kovesdi from the inventive entity of this application is legally justified.

2. Claim Objections

Claims 47-50 are objected due to usage of the term "the tour" and appropriate correction by Applicant is requested. Applicant has amended these claims to better describe the claimed invention. Applicant respectfully submits that the instant objection is rendered moot and the Examiner is requested to withdraw this objection.

3. 35 U.S.C. § 102(b)

Claims 18, 19, 21, 22, 31, 34, 38, 52, and 56 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,480,306 to Liu. Office Action, page 2, item 3. Particularly, the Examiner contends that Liu teaches a method and apparatus for providing information relevant to the physical world by reading a bar code associated with sound data, wherein the bar code is converted into a memory address pointer pointing to the initial address of the memory area in which the digital sound or pronunciation is stored and the sound is applied to a loud speaker system. *Id.* The Examiner further contends that the conversion from the bar code to a digital code then to an address pointer is considered to be normalizing a read object label associated with an object into an object identifier. *Id.* Applicant respectfully disagrees with such contentions and traverses this rejection on the following grounds.

Liu is directed toward a language learning apparatus for the playback of pre-recorded sounds and particularly, for converting optical codes into true human speech or natural sound. *See* Liu, abstract and col. 2, ll. 26-34. Liu discloses converting (*i.e.*, translating) bar code information into an address pointer for the retrieval of pre-recorded sounds. *Id.* at col. 4, ll. 1-29. Applicant submits that such a conversion process is performed on a mere one to one basis, *i.e.*, a particular labeling scheme format (only one of which is disclosed) is converted to a specified address pointing format.

To anticipate a claim, the reference must teach every limitation of the claim. *See* M.P.E.P. § 2131.

Applicant submits that Liu fails to disclose "normalizing information contained in the detected label into an object identifier" as recited in independent claim 18, and "an apparatus for detecting the machine readable labels and including programming for normalizing information contained in the detected label into an object identifier" as recited in independent claim 38. The

concept of "normalizing" is discussed throughout Applicant's specification, particularly at page 22, line 8 to page 23, line 9. To summarize, a label value read from any labeling scheme such as a barcode, global positioning system (GPS) coordinates, or RFID scheme is processed into a normalized label, *i.e.*, an object identifier generic to two or more interpretation schemes, such that all information associated with the label retrieving scheme is removed. Applicant's Specification, page 14, ll. 5-7. For example, if the value encoded on the barcode label was the UPC code of a particular product, after normalization, it would become a numeric string, such as, "05928000200," which does not reveal any information about how the value was retrieved. *Id.* at page 17, ll. 4-8. Therefore, multiple labeling schemes can be used to access the same piece of media content. In turn, devices of different label reading capabilities can access the same media content. *Id.* at page 14, ll. 12-15. As submitted above, Liu merely discloses a one to one conversion or translation of barcode information into a digital address and not "normalizing" information contained in a detected label into a generic object identifier as claimed. Therefore, Applicant respectfully submits that Liu does not anticipate claims 18 and 38.

Liu also fails to disclose "storing an object identifier indicative of a *plurality* of read labels associated with an object into an index repository" as recited in independent claim 31. Emphasis added. Referring to Figs. 5A and 5B, Liu discloses only a one to one correspondence between digital codes (each converted from a single read optical code) and respective memory addresses. Liu, col. 3, ll. 32-47 and col. 4, ll. 11-27. Therefore, Applicant respectfully submits that Liu does not anticipate claim 31.

Claims 19, 21, 22, 34, 52, and 56 are not anticipated by Liu at least because they depend from one of independent claims 18, 31, and 38.

Applicant respectfully requests the Examiner to withdraw the rejection of claims 18, 19, 21, 22, 31, 34, 38, 52, and 56.

4. 35 U.S.C. § 103(a)

I. Liu In View Of Savchenko

Claims 1-5, 9, 13, 16, 29, 30, 39-42, 57, 58, 61-63, 65, 66, and 70 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered unpatentable over Liu in view of U.S. Patent No. 6,111,567 to Savchenko et al. ("Savchenko"). Office Action, page 3, item 5. Applicant traverses this rejection on the following grounds.

(a) Claims 1-5 and 9

The Examiner contends that Liu teaches a method an apparatus for reading a bar code associated with a sound data and the code is converted into a memory address pointer pointing to the initial address of the memory area in which the digital sound or pronunciation is stored, converted to an analog signal, and the sound applied to a loud speaker system. *Id.* The Examiner admits that "Liu fails to teach a method for authoring information."[1] *Id.* at page 4. In order to cure such a deficiency, Savchenko is introduced as teaching a method of authoring multimedia titles. *Id.*

In order to establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143 (citations omitted). In order to support a § 103 rejection based on a combination of references, the Examiner must provide a sufficient motivation for making the relevant combinations. *See* M.P.E.P. §§ 2142 and 2143.01; *see also In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references."). It is well-settled that an Examiner can "satisfy [the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness] only by showing some *objective teaching* in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) (emphasis added); *see also In re Lee*, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir 2002) ("'deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is 'basic knowledge' or 'common sense'"). As with rejections based on the modification of a single reference, "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence [of a motivation to combine]'" and thus do not support rejections based on combining references. *In re Dembiczak*, 175 F.3d at 999, 50 USPQ2d at 1617. Without objective evidence of a motivation to combine, the obviousness rejection is the "essence of hindsight" reconstruction, the very "syndrome" that the requirement for such evidence is designed to combat, and without which the obvious rejection is insufficient as a matter of law. *Id.* at 999, 50 USPQ2d at 1617-18.

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[1] The Examiner's basis for this obviousness-type rejection is rendered unclear at the onset as the preamble of claim 1 recites "A method for authoring information . . . ."

There is no showing of any objective teaching to combine Liu and Savchenko. The Office action merely states "it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the teachings of Savchenko to the teaching of Liu in order to create a well organized system so that minimal memory is utilized, but at the same time provide a good quality sound and maintain the flow of the music or sound produced." This broad, conclusory statement is not sufficient, under the controlling authorities set forth above, to justify combining the teachings of these two references. There is no showing that either of the applied references, or any other prior art, even remotely suggests such a combination.

Even assuming, *arguendo*, that a proper motivation to combine exists for the Examiner's proposed combination, Liu and Savchenko do not teach or suggest all claim limitations. Claim 1 is repeated as follows.

> 1. A method for authoring information relevant to a physical world, comprising:
> detecting with an authoring device a first label associated with a first object; and
> triggering, in response to detecting, a system for authoring content;
> wherein the content is to be unambiguously bound to the first object and is to be rendered on a playback device during detection of the first label.

Liu, as previously discussed, is simply directed toward a language learning apparatus for the playback of pre-recorded sounds. Liu's apparatus has no authoring capabilities whatsoever. Savchenko is directed to seamless multimedia branching achieved during authoring and storing of the multimedia. *See* Savchenko, abstract. No apparent nexus exists between Savchenko's seamless multimedia branching method and authoring content upon label detection. Clearly, Liu, either taken alone or in combination with Savchenko, fails to teach or suggest "detecting with an authoring device a first label associated with a first object" and "triggering, in response to detecting, a system for authoring content" as claimed. Emphasis added.

For at least these reasons, Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that independent claim 1 is patentable over the cited references. Claims 2-5 and 9 are patentable at least because they depend from independent claim 1.

(b) Claim 13

As with claim 1, the Examiner contends that Liu teaches a method an apparatus for reading a bar code associated with a sound data and the code is converted into a memory address

pointer pointing to the initial address of the memory area in which the digital sound or pronunciation is stored, converted to an analog signal, and the sound applied to a loud speaker system. Office Action at page 3. However, with respect to claim 13, the Examiner apparently contends that Liu fails to teach a computer-readable media having instructions for authoring information as Savchenko is relied on for curing such a deficiency.[2] *Id.* at page 5.

There is no showing of any objective teaching to combine Liu and Savchenko. The Office action merely states "it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Savchenko to the teaching of Liu in order to speed up the process by storing all the instruction in the memory and have the processor access and execute the instructions instead of loading or inputting the instructions one-by-one by the user." This broad, conclusory statement is not sufficient, under the controlling authorities set forth in above to justify combining the teachings of these two references. There is no showing that either of the applied references, or any other prior art, even remotely suggests such a combination.

Even assuming, *arguendo*, that a proper motivation to combine exists, the proposed combination does not teach or suggest all claim limitations. Claim 13 is repeated as follows.

> 13. A computer-readable media having instructions for authoring information relevant to a physical world, the instruction performing steps comprising:
> detecting with an authoring device a first label associated with a first object; and
> triggering, in response to detecting, a system for authoring content;
> wherein the content is to be unambiguously bound to the first object and is to be rendered on a playback device during detection of the first label.

Liu, either taken alone or in combination with Savchenko, fails to teach or suggest "detecting with an authoring device a first label associated with a first object" and "triggering, in response to detecting, a system for authoring content" as claimed. *See* Remarks § 4.I.(a), *supra*.

For at least these reasons, Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that independent claim 13 is patentable over the cited references.

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[2] Similar to claim 1, the Examiner's basis for this obviousness-type rejection is rendered unclear at the onset as the preamble of claim 13: "A computer-readable media having instructions for authoring information . . . ."

(c) Claims 16, 29, and 30

With respect to these claims, the Examiner apparently contends that in addition to the purported combination of Liu and Savchenko as applied to the preceding claims[3], the conversion from the bar code to the digital code then to an address pointer is considered to be normalizing a read object label associated with an object into an object identifier. Office Action at page 5. Applicant respectfully disagrees.

As with claims 1 and 13, there is no showing of any objective teaching to combine Liu and Savchenko. *See* Remarks § 4.I.(a) and (b), *supra.*

Even assuming, *arguendo*, that a proper motivation to combine exists, Liu does not disclose "normalizing a read object label associated with an object into an object identifier" as recited in independent claim 16 nor "normalizing information contained in the detected label into an object identifier" as recited in independent claim 29. *See* Remarks § 3, *supra.* Savchenko fails to cure such a deficiency as it is solely directed to seamless multimedia branching.

For at least these reasons, Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that independent claims 16 and 29 are patentable over the cited references. Claims 30 is patentable at least because it depends from independent claim 29.

(d) Claims 39-42

With respect to claim 42, the Examiner contends "Liu teaches . . . rendering digital multimedia as a function of output capabilities of the apparatus." Office Action at page 5. However, Liu fails to teach programming that renders digital multimedia as a function of output capabilities as recited in claim 42. *Id.* To cure such a deficiency, Savchenko is introduced as teaching a computer application that executes instructions. *Id.*

At the outset, Applicant respectfully submits that the instant rejection is improper with respect to claims 39-42 as it does not address any of the limitations claimed in claims 39-41. Claim 42 depends from dependent claim 40. As such, the rejection fails to address all limitations of claim 42.

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[3] The basis for this rejection is unclear and difficult for Applicant to address as independent claims 16 and 29 recite several limitations not addressed by the Examiner in the preceding claims. Future adherence to the "Graham Factual Inquiries" as required under M.P.E.P. § 2141 is respectfully requested.

Moreover, there is no showing of any objective teaching to combine Liu and Savchenko. The Office Action merely states "it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Savchenko to the teaching of Liu in order to provide the proper sound signal that matches the output characteristics of the apparatus so that the user can listen to a good quality sound with less background noise and interruption." This broad, conclusory statement is not sufficient, under the controlling authorities set forth above, to justify combining the teachings of these two references. There is no showing that either of the applied references, or any other prior art, even remotely suggests such a combination.

Applicant submits these dependent claims are patentable at least because they depend from independent claim 38, which Applicant submits is patentable over the cited references. For example, Liu does not disclose "an apparatus for detecting the machine readable labels and including programming for normalizing information contained in the detected label into an object identifier" as recited in independent claim 38. *See* Remarks § 3, *supra*. Savchenko fails to cure such a deficiency.

Claim 39 further recites "a system for authoring digital multimedia in response to detecting one of the plurality of labels which is to be stored within the digital multimedia content collection and unambiguously bound to the object identifier." Liu, either taken alone or in combination with Savchenko, fails to teach or suggest this limitation. *See* Remarks § 4.I.(a), *supra*.

Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that claims 39-42 are patentable over the cited references.

(e) Claims 57, 58, 61, and 62

In regard to independent claim 57, the Examiner apparently relies on the reasoning stated in connection with claim 1 and further contends that Liu teaches circuitry for detecting a label associate with an object. Office Action at page 3. Applicant respectfully disagrees.

As with claim 1, Applicant submits that there is no showing of any objective teaching to combine Liu and Savchenko as proposed. *See* Remarks § 4.I.(a), *supra*.

Even assuming, *arguendo*, that a proper motivation to combine exists, neither Liu nor Savchenko teaches or suggests "a system for authoring content to be unambiguously bound to

the object as represented by the detected label which content is to be rendered during detection of the label in a playback" as recited in independent claim 57. *See* Remarks § 4.I.(a), *supra.*

Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that independent claim 57 is patentable over the cited references. Claims 58, 61, and 62 are patentable at least because they depend from independent claim 57.

(f) Claims 63, 65, 66, and 70

Independent claim 63 is apparently rejected on the grounds stated in the Office Action with respect to independent claims 1, 13, 16, 29, 57, and 63.

As submitted above, Applicant submits that there is no showing of any objective teaching to combine Liu and Savchenko. *See* Remarks § 4.I.(a),(b), and (d), *supra.*

Even assuming, *arguendo*, that a proper motivation to combine exists, neither Liu nor Savchenko teaches or suggests "programming for normalizing information contained in the detected label into an object identifier" and "a system for authoring content in an authoring mode which content is to be unambiguously bound to the object identifier" as recited in independent claim 63. *See* Remarks § 4.I.(a), (c), and (d), *supra.*

Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that independent claim 57 is patentable over the cited references. Claims 58, 61, and 62 are patentable at least because they depend from independent claim 57.

Applicant respectfully requests the Examiner to withdraw the rejection of claims 1-5, 9, 13, 16, 29, 30, 39-42, 57, 58, 61-63, 65, 66, and 70.

II. Liu And Savchenko In View Of Conley

Claims 7, 14, 36, 37, 47, and 51 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered unpatentable over Liu as modified by Savchenko as applied to claim 1 and 13, and Liu as applied to claim 38, and further in view of U.S. Patent No. 6,434,745 to Conley, Jr. et al. ("Conley"). Office Action, page 6, item 7. Particularly, the Examiner admits that Liu as modified by Savchenko fails to teach aggregating the content into a single logical entity called a tour. *Id* at page 7. In order to cure such a deficiency, Conley is introduced as teaching a tour component of a browser that allows the end-user to identify one or more URLs and save them into a group called a tour and to create one or more such tours, and to save each tour to a

searchable local tour database on the end-user computer similar to the searchable local image database. *Id.* Applicant respectfully traverses this rejection on the following grounds.

There is no showing of any objective teaching to combine Liu, Savchenko, and Conley. The Office Action merely states "it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Conley to the teachings of Liu as modified by Savchenko in order to organize the data so that related data are grouped in the same group to help and speed up the searching process when the data needs to be retrieved." This broad, conclusory statement is not sufficient, under the controlling authorities set forth above, to justify combining the teachings of these three references. *See also* Remarks § 4.I., *supra*. There is no showing that either of the applied references, or any other prior art, even remotely suggests such a combination.

Even assuming, *arguendo*, that a proper motivation to combine exists for the Examiner's proposed combination, Liu, Savchenko, and Conley do not teach or suggest all the limitations of claim 36, which is repeated as follows.

> 36. A method for providing information relevant to a physical world, comprising:
>
> associating one or more labels with each of a plurality of objects in a tour;
>
> storing an object identifier indicative or the one or more labels associated with each of the plurality of object in the tour in an index table repository;
>
> authoring content relevant to each of the plurality of objects in the tour; and
>
> binding the content to an object identifier in the index table repository which corresponds to the relevant one of the plurality of objects in the tour whereby the content is renderable when the label is detected by a playback device without regard to the order in which the content was authored.

As previously discussed, Liu's apparatus has no authoring capabilities whatsoever. Savchenko is directed to seamless multimedia branching achieved during authoring and storing of the multimedia. *See* Savchenko, abstract. No apparent nexus exists between Savchenko's seamless multimedia branching method and authoring content in association with object identifiers. Conley is merely directed to customized web browsing and marketing software. *See* Conley, abstract. Clearly, Liu, either taken alone or in combination with Savchenko and Conley, fails to teach or suggest "authoring content relevant to each of the plurality of objects in the tour" and "binding the content to an object identifier in the index table repository which corresponds to the relevant one of the plurality of objects in the tour whereby the content is renderable when the

label is detected by a playback device without regard to the order in which the content was authored" as claimed.

Claims 7, 14, 37, 47, and 51 are patentable at least because they depend from either independent claim 1, 13, 36, or 38, which Applicant submits are patentable over the cited references. *See* Remarks § 3 and 4.I, *supra*. Conley fails to cure the identified deficiencies of the primary references with respect to these claims.

Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that claims 7, 14, 36, 37, 47, and 51 are patentable over the cited references.

Applicant respectfully requests the Examiner to withdraw the rejection of claims 7, 14, 36, 37, 47, and 51.

III. Liu And Savchenko In View Of Remaining Cited References

Dependent claims 6, 8, 10-12, 15, 17, 20, 23-28, 32, 33, 35, 43-46, 48-50, 53-55, 59, 60, 64, and 67-69 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered unpatentable over Liu as modified by Savchenko, and further in view of one or more of the following: U.S. Patent No. 5,958,014 to Cave; U.S. Patent No. 4,963,719 to Brooks et al.; U.S. Patent No. 5,616,876 to Cluts; U.S. Patent No. 6,264,106 to Bridgelall; U.S. Patent No. 6,324,165 to Fan et al.; U.S. Patent No. 5,566,291 to Boulton et al.; U.S. Patent No. 6,195,531 to Aguirre et al.; U.S. Patent No. 6,359,711 to Cole et al.; U.S. Patent No. 5,598,540 to Krueger; U.S. Patent No. 6,315,195 to Ramachandran; U.S. Patent No. 5,869,820 to Chen et al.; and U.S. Patent No. 5,613,137 to Bertram et al. Office Action, items 6 and 8-20. Applicant respectfully traverses these rejections on the following grounds.

Applicants submit that there is no showing of any objective teaching to combine these references as the reasoning provided is conclusory at best and is not sufficient, under the controlling authorities set forth above, to justify combining the teachings of these references. *See also* Remarks § 4.I., *supra*. There is no showing that either of the applied references, or any other prior art, even remotely suggests the proposed combinations set forth in the Office Action.

Moreover, these dependent claims are patentable at least because they depend from one of independent claims 1, 13, 16, 18, 31, 38, 57, and 63, which Applicant submits are patentable over the cited references. *See* Remarks § 3 and 4.I, *supra*. The secondary references fail to cure

the identified deficiencies of the primary references relied on by the Examiner with respect to the independent claims.

Applicant submits that the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicant respectfully submits that claims 6, 8, 10-12, 15, 17, 20, 23-28, 32, 33, 35, 43-46, 48-50, 53-55, 59, 60, 64, and 67-69 are patentable over the cited references.

Applicant respectfully requests the Examiner to withdraw the rejections of claims 6, 8, 10-12, 15, 17, 20, 23-28, 32, 33, 35, 43-46, 48-50, 53-55, 59, 60, 64, and 67-69.

CONCLUSION

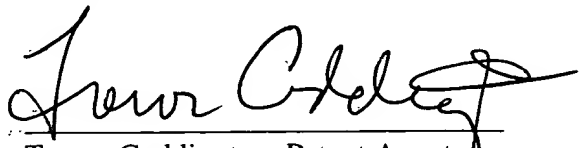
Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

No fee is believed to be required for the entry of this response. Nevertheless, in the event that the U.S. Patent and Trademark Office requires a fee to enter this Response or to maintain the present application as pending, please charge such fee to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: June 11, 2003

By: 

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